

## **Exhibit H**



Christopher J. Keller  
Partner  
212 907 0853 direct  
212 907 0700 main  
212 883 7053 fax  
ckeller@labaton.com

October 15, 2018

New York Office  
140 Broadway  
New York, NY 10005

**VIA EMAIL**

Laurence D. King, Esq.  
Kaplan Fox & Kilsheimer LLP  
350 Sansome Street, Suite 400  
San Francisco, CA 94104  
lking@kaplanfox.com

Re: *Isaacs v. Musk et al*, No. 3:18-cv-04865-EMC

Dear Laurence:

We are counsel for the Tesla Investor Group, proposed lead plaintiff in the above-referenced action (Dkt. No. 47), and write to request additional information regarding the lead plaintiff motion filed by your clients Tempus International Fund SPC and Opportunity Unique Fund Inc. (“Tempus and OUF”) (Dkt. No. 71).

Based on the certifications filed in conjunction with the lead plaintiff motion, we understand that Brazilian-based entity Opportunity Gestão de Investimentos e Recursos Ltda. (“Opportunity”) serves as the investment manager for Tempus and OUF. In order to assist our evaluation of Tempus and OUF’s fitness to serve as lead plaintiff, we respectfully request that you provide additional information regarding Opportunity’s relationship with Tempus and OUF and the funds’ trading history during the relevant period, specifically including: (1) documents establishing Opportunity’s relationship to Tempus and OUF and authority to authorize litigation on their behalf; (2) documents establishing that Opportunity received such authorization prior to the date the certifications were signed; (3) the relationship between and among Opportunity, Tempus, OUF, and Daniel Valente Dantas; (4) the identities of the fund(s) that actually executed the transactions listed in the certifications; and (5) the full record of transactions actually made by each entity in Tesla securities (including placement of new short sales) between August 7, 2018 and August 17, 2018, both dates inclusive.

Moreover, we respectfully request that you provide the Comprehensive Settlement and Release Agreement (the “2008 Settlement Agreement”), dated April 25, 2008, relating to the settlement of the litigation in *Int’l Equity Invs., Inc. v. Opportunity Equity Partners, Ltd.*, No. 05-cv-2745 (S.D.N.Y.), filed as an exhibit in *Dantas, et al. v. Citibank, N.A., et al.*, No. 1:17-cv-01257-JMF (S.D.N.Y.) (the “*Dantas* Litigation”). We also request a copy of the legal opinion of Andre Zenkner Schmidt provided to the court in the *Dantas* Litigation, on or about February 17, 2017 (the “Schmidt Opinion”). Providing the 2008 Settlement Agreement and the Schmidt Opinion, at minimum, will enable the Tesla Investor Group to ascertain on a very basic level whether your clients satisfy

## Labaton Sucharow

established PSLRA prerequisites for appointment as lead plaintiff. In the event that you refuse to share this information, we intend to file a motion to intervene in the *Dantas* Litigation for the limited purpose of unsealing the 2008 Settlement Agreement and the Schmidt Opinion.

We would appreciate if you could confirm in writing by no later than October 17, 2018 whether you will comply with our limited requests. If you would like to meet and confer concerning our questions, we would be happy to arrange for a conference call at a mutually convenient time. Thanks in advance for your anticipated cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Keller", with a long horizontal stroke extending to the right.

Christopher J. Keller, Esq.

CC: Ashley C. Keller, Esq.  
U. Seth Ottensoser, Esq.  
Eric J. Belfi, Esq.  
David J. Schwartz, Esq.  
Francis P. McConville, Esq.